

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Hilda L. Solis,

NO. C 08-05083 JW

Plaintiff,

JUDGMENT

v.

Vigilance, Inc., et al.,

Defendants.

Pursuant to the Court's July 9, 2009 Order Granting Plaintiff's Motion for Default Judgment, judgment is entered in favor of Plaintiff Hilda L. Solis, Secretary of Labor and against Defendants Vigilance, Inc. and Vigilance, Inc. 401(k) Plan.

The Court ORDERS as follows:

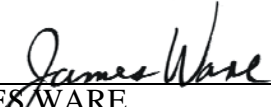
- (1) Defendant Vigilance Inc. is removed as a fiduciary of the Plan.
- (2) Saakvitne Law Corporation of 532 Colorado Avenue, Santa Monica, California, 90401-2408 (Phone: (310) 451-3225), is appointed as the Independent Fiduciary of the Plan.
- (3) The Independent Fiduciary shall collect, marshal, pay out and administer all of the Plan's assets and take further action with respect to the Plan, including terminating the Plan when all of its assets have been distributed to all eligible participants and beneficiaries.
- (4) The Independent Fiduciary shall, pursuant to the procedures outlined in the Employee Benefits Security Administration's Field Assistance Bulletin 2004-02, exercise

reasonable care and diligence to identify and locate each Plan participant and beneficiary who is eligible to receive a distribution under the terms of the Plan.

- (5) The Independent Fiduciary shall have all the rights, duties, discretion, and responsibilities of a trustee, fiduciary, and Plan Administrator under ERISA, and is ordered to file a Final Form 5500 for the Plan.
- (6) The Independent Fiduciary is authorized to delegate or assign fiduciary duties as appropriate and allowed under the law and may retain such as assistance as he may require, including attorneys, accountants, actuaries, and other service providers.
- (7) The Independent Fiduciary is authorized to receive \$3,500 in reasonable fees and expenses, payable from the assets of the Plan.
- (8) The Independent Fiduciary shall have full access to all data, information, and calculation in the Plan's possession and under its control, including information and records maintained by the Plan's custodial trustee or service provider.
- (9) The Independent Fiduciary is authorized to give instructions respecting the disposition of assets of the Plan.
- (10) If the Plan is not terminated by **November 24, 2009**, the Independent Fiduciary shall appear on **December 14, 2009 at 9 a.m.** to show cause as to why additional time is necessary. The Independent Fiduciary shall file a Statement with the Court on or before **December 4, 2009** apprising the Court of the status of the Plan's termination.

Each party shall bear their own fees and costs. The Clerk shall close this file.

Dated: July 9, 2009



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Danielle Lee Jaberg jaberg.danielle@dol.gov
3 Mary Katherine Alejandro alejandro.mary@dol.gov

4 **Dated: July 9, 2009**

Richard W. Wieking, Clerk

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6 **By: /s/ JW Chambers**

Elizabeth Garcia
Courtroom Deputy